

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

AMERICAN POSTAL WORKERS UNION,  
LOCAL 1070, AFL-CIO

Cases 24-CA-105974  
12-CA-113503  
12-CA-115471  
12-CA-115731  
12-CA-117063  
12-CA-119328  
12-CA-119380  
12-CA-120358  
12-CA-122217  
12-CA-123430

and

NATIONAL ASSOCIATION OF LETTER  
CARRIERS, BRANCH 869, AFL-CIO

Case 12-CA-113349

**DECISION AND ORDER**

Statement of the Cases

On August 1, 2014, the United States Postal Service (the Respondent), American Postal Workers Union, Local 1070, AFL-CIO (APWU Local 1070), National Association of Letter Carriers, Branch 869, AFL-CIO (NALC Branch 869, collectively with APWU Local 1070, the Charging Parties), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C.,

for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.<sup>1</sup>

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

### **Findings of Fact**

#### **1. The Respondent's business**

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its facilities at 585 F.D. Roosevelt Avenue, in San Juan, Puerto Rico (the GPO); the Processing and Distribution Center in San Juan, Puerto Rico (the PD&C); DMDU Cataño Annex in Cataño, Puerto Rico (the DMDU); the Cataño Post Office in Cataño, Puerto Rico (the Cataño P.O.); and the 65th Infantry Avenue Station in San Juan, Puerto Rico (the 65th Infantry Station); all of which are located within the zip code cluster 009 in the Respondent's Caribbean District.

The Board has jurisdiction over the Respondent and these matters by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

#### **2. The labor organizations involved**

American Postal Workers Union, AFL-CIO (the APWU), American Postal Workers Union, Local 1070, AFL-CIO (APWU Local 1070), National Association of Letter Carriers, AFL-CIO (NALC), and National Association of Letter Carriers, Branch 869, AFL-CIO (NALC Branch 869) each are, and at all material times have been, labor organizations within the meaning of Section 2(5) of the Act.

### **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

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<sup>1</sup> Member Hirozawa and Member Schiffer note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

The Respondent, United States Postal Service, San Juan and Cataño, Puerto Rico, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing or refusing to bargain collectively with American Postal Workers Union Local 1070 (APWU Local 1070) by failing or refusing to furnish requested information or unreasonably delaying in furnishing requested information that is relevant and necessary to APWU Local 1070's performance of its functions as the collective-bargaining representative of its employees in the American Postal Workers Union unit.

(b) Failing or refusing to bargain collectively with National Association of Letter Carriers Branch 869 (NALC Branch 869) by failing or refusing to furnish requested information or unreasonably delaying in furnishing requested information that is relevant and necessary to NALC Branch 869's performance of its functions as the collective-bargaining representative of its employees in the National Association of Letter Carriers unit.

(c) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of their rights guaranteed in Section 7 of the National Labor Relations Act.

2. Take the following affirmative actions necessary to effectuate the policies of the Act.

(a) Furnish APWU Local 1070 with the information that it requested on April 7 and 11, 2013; June 6, 2013; September 20, 2013; October 3, 8, 9, and 10, 2013; November 2, 13, and 23, 2013; December 5 and 17, 2013; January 17, 20, 25, and 30, 2014; and February 4, 2014, as specified in Appendix A.

(b) Furnish NALC Branch 869 with the information that it requested on September 6, 2013, consisting of all 3971 forms that Carrier Vallejo submitted for the years 2011 and 2012.

(c) Within 14 days of service by the Region, post at its facilities and installations located within zip code cluster 009, copies of the attached notice marked "Appendix B" in both English and Spanish. Copies of the notice, on forms provided by the Region after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed any of the

facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current and former employees in the APWU unit and the NALC unit employed by the Respondent at any time since April 7, 2013.

(d) Within 14 days of service by the Region, send copies of the Board Order and the attached notice marked "Appendix B" in both English and Spanish to all of its managers and supervisors at its facilities and installations located within zip code cluster 009.

(e) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., September 17, 2014

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Kent Y. Hirozawa, Member

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Harry I. Johnson, III, Member

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Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

## **APPENDIX A (4 pages)**

### **INFORMATION TO BE PROVIDED TO APWU LOCAL 1070**

#### **April 7, 2013**

The PSE (Postal Support Employees) Seniority List, including the entrance scores for all Postal Support Employees.

#### **April 11, 2013**

1. The list of employees who applied for the Data Collector position after Mr. Cruz and Mr. Toledo retired.
2. The number of employees who were interviewed for said Data Collector positions.
3. The status of said Data Collector Positions.

#### **June 6, 2013**

The following information relating to the contract between Respondent and ZEN CAR, Inc. at the DMDU for repair work being performed on a compressor and a condenser in the chiller room at the DMDU: (1) Public interest; (2) cost; (3) efficiency; (4) availability of equipment; (5) qualification of employees; (6) copy of contract; (7) hours worked; (8) all documents related to the subcontract (solicitation and award); and (9) decision analysis report on cost comparison.

#### **September 20, 2013**

The following information for the contract related to moving an electrical box for a customer gate at the 65th Infantry Station pursuant to a notification letter dated September 13, 2013: (1) Public interest; (2) cost; (3) efficiency; (4) availability of equipment; (5) qualification of employees; (6) copy of contract; (7) hours worked; (8) all documents related to the subcontract (solicitation and award); (9) decision analysis report on cost comparison; and (10) documents warranty.

#### **October 3, 2013**

The following information related to air handler unit coils replacement at the GPO as per notification sent on October 1, 2013: (1) Public interest; (2) cost; (3) efficiency; (4) availability of equipment; (5) qualification of employees; (6) copy of contract; (7) hours worked; (8) all documents related to the subcontract (solicitation and award); (9) decision analysis report on cost comparison; and (10) documents warranty.

#### **October 8, 2013**

1. PRD-10 for all maintenance employees at DMDU Annex.
2. Bidding history of all maintenance employees at DMDU.
3. A copy of the certified letter issued by management in August or September 2011 changing the beginning tour of maintenance department at the DMDU.

#### **October 9, 2013**

1. A copy of the OTDL (overtime desired list) for all maintenance sections at the GPO.

## **APPENDIX A (continued)**

2. A copy of the holiday work list (Columbus Day) for all maintenance sections at the GPO.
3. A copy of the documents showing which operations will be running on Monday, October 14, 2013, Columbus Day.
4. A copy of the seniority list of all sections at the GPO.

### October 10, 2013

1. A copy of the voluntary holiday list of Columbus Day (October 14, 2013).
2. A copy of the training billets for FY12 (fiscal year 2012) for the GPO and the DMDU.

### November 2, 2013

A copy of the following evaluated documents for the contract related to the work performed at the San Juan GPO by GTE Electrical Services on 11/01/2013, including public interest, cost, efficiency, availability of equipment, and qualification of employees; copy of the contract; hours of work; all documents related to the subcontract (solicitation & award); decision analysis report on cost comparison; and document of warranty.

### November 13, 2013

1. A list of all vacant and residuals of maintenance positions of San Juan installations.
2. PRD-10 for all employees at all facilities, stations and branches of San Juan installations.
3. Postal Service forms 4839 and 4869 from the signed and authorized staffing package (MS-47) for all facilities stations and branches of San Juan installations.
4. The organizational chart of the San Juan P&DC and DMDU Cataño Annex.
5. PRD-10 for all maintenance PSEs in the Caribbean District.

### November 23, 2013

Copies of the following evaluated documents for due consideration of Article 32 related to the installation of automatic gate opener and the installation of new key pad entry at the Caparra PO as per notifications sent on November 20, 2013 — public interest, cost, efficiency, availability of equipment, and qualification of employees: copies of the contracts; hours of work; all documents related to the subcontracts (solicitation and award); the decision analysis reports on cost comparison; and the documents of warranty.

### December 5, 2013

1. A current and complete copy of the e-WHEP mechanization staffing package.
2. A current, complete, signed and authorized copy of building MS-1 staffing package for the DMDU except for Postal Service form 489-A.
3. A current, complete, signed and authorized copy of the field maintenance operations (FMO) staffing package.
4. A current, complete, signed and authorized copy of building MS-1 staffing package for the GPO except for Postal Service form 4893.

## **APPENDIX A (continued)**

### December 17, 2013

1. A copy of the documents that established the use of Electric Pallet Lifter as Tow Truck to transport GPC's.
2. A copy of the Order to buy Tow Trucks.

### January 17, 2013

1. A copy of all Employee Assignment Work Sheets of all Custodials, all Tours (FTR and PSE's) at the DMDU for PP1 and PP2 2014.
2. A copy of LDC 38 Weekly Work Hours Summaries for PP1 and PP2 2014.
3. A copy of eMARS Custodial (BLDGS) Bypassed Route Reports for PP1 and PP2 2014.

### January 20, 2014

1. A copy of all Overtime Desired Lists of Maintenance Employees for the periods of Jan/Feb/Mar 2014.
2. A copy of all Grainger's Invoices for the DMDU from January until December 2013.
3. A copy of all Requisitions (DMDU Supplies) for the DMDU from January until December 2013.
4. A current and complete copy of eWHEP Mechanization staffing package.
5. A current and complete copy of building MS-1 staffing package.
6. A current and complete copy of FMO staffing package.
7. Current copies of aBid 2000 DA-1 and DA-7 reports.
8. A copy of all documentation related to the training given to Maintenance employees on January 16, 2014.

### January 25, 2014

1. PRD-010 of all employees of the San Sebastian PO.
2. PS 4776, PS 4869, PS 4839, and PS 4851 for the San Sebastian PO.
3. A complete copy of the current MS 47 Custodial Staffing Study.
4. For 01/01/2000 until 01/2014, a complete copy of Cleaning services agreements, including PS form 7355, Cleaning Services Modifications, Statements of Works, effective dates, Contractor's Daily Work Logs, Cleaning Services Payment Authorizations, Contractor's Security, Hazcom, and Asbestos Awareness Training Certification.
5. A copy of All Craft Grievances of Hostile Environment at Aguadilla, Moca, Mayaguez and San Sebastian against Elvin Duran.
6. PS 50s of Elvin Duran and Joseph Rivera.
7. ETC's of Joseph Rivera and Elvin Duran for PP 3 and PP 4 week 1, 2014.

### January 30, 2014

1. Maintenance PRD-10 of Boquerón, Canóvanas, Cotto Laurel, Dorado, Florida, Isabela, Sabana Hoyos, Salinas, and Sabana Grande.

## **APPENDIX A (continued)**

2. A copy of all PS 4776, PS 4869, PS 4839, PS 4851 and PS 4852 and the Emars report relied upon in developing the package for Boquerón, Canóvanas, Cotto Laurel, Dorado, Florida, Isabela, Sabana Hoyos, Salinas, and Sabana Grande.
3. Copies of any communications between local managers and District and/or Area Managers concerning Custodial staffing or scheduling including emails for Boquerón, Canóvanas, Cotto Laurel, Dorado, Florida, Isabela, Sabana Hoyos, Salinas, and Sabana Grande.
4. A complete copy of current Cleaning Services Agreements including PS form 7355, Cleaning Services Agreements Modifications, Statements of Work, effective dates, Contractor Logs, Cleaning Services Payment Authorizations, and Contractor's Security, Hazcom, and Asbestos Awareness training certifications for Boquerón, Canóvanas, Cotto Laurel, Dorado, Florida, Isabela, Sabana Hoyos, Salinas, and Sabana Grande.
5. Letter of Abolishment or Reverted Position of LC361225 Humacao PO.
6. Maintenance PRD-010 for Jan 01/01/2009, Humacao PO.
7. A complete copy of current Cleaning Services Agreements including PS form 7355 for Humacao PO.
8. A copy of Vacant and Residual positions at Aguadilla, Cabo Rojo, Cayey, Fajardo, Guayama, Lajas, Naguabo, Sabana Hoyos, Arecibo, Caguas, Charlotte Amalie, Florida, Guaynabo, Las Piedras, Ponce, San Juan, Boquerón, Carolina, Christiansted, Frederiksted, Kingshill, Mayaguez, Sabana Grande, San Sebastian, and Humacao.
9. Duty Assignment Information for Laborer Custodial of the Caribbean District.
10. A copy of Vacant and Residual positions of the Caribbean District.
11. Copies of any communications between local managers and District and/or Area managers and the Union concerning Inservice Maintenance Laborer Custodial Positions posted by Management on January 11, 2014 to January 20, 2014 and January 29, 2014 to February 4, 2014.
12. Maintenance Preferred Duty Assignment Updated.
13. R02 - Request by Craft/Position Report (Maintenance) for Aguadilla, Cabo Rojo, Cayey, Fajardo, Guayama, Lajas, Naguabo, Sabana Hoyos, Arecibo, Caguas, Charlotte Amalie, Florida, Guaynabo, Las Piedras, Ponce, San Juan, Boquerón, Carolina, Christiansted, Frederiksted, Kingshill, Mayaguez, Sabana Grande, San Sebastian, and Humacao.
14. PSE's Laborer Custodial Seniority List Updated.
15. ETC's of PSE's Laborer Custodial of Caribbean District from PP1 2011 until PP1 2014.
16. PS form 50 of all PSE's Laborer Custodial of the Caribbean District.
17. PRD-010 of PSE's Laborer Custodials of the Caribbean District.

### February 4, 2014

A copy of all Applicant Data Collection Sheets for Maintenance, Laborer Custodial Vacancies.



## **APPENDIX B**

### **NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government**

#### **PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS**

#### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;  
Choose a representative to bargain with us on your behalf;  
Act together with other employees for your benefit and protection;  
Choose not to engage in any of these protected activities.

**WE WILL NOT** fail or refuse to bargain collectively with American Postal Workers Union Local 1070, AFL-CIO (APWU Local 1070) by failing or refusing to furnish requested information or unreasonably delaying in furnishing requested information that is relevant and necessary to APWU Local 1070's performance of its functions as the collective-bargaining representative of our employees in the American Postal Workers Union, AFL-CIO unit.

**WE WILL NOT** fail or refuse to bargain collectively with National Association of Letter Carriers, Branch 869, AFL-CIO (NALC Branch 869) by failing or refusing to furnish requested information or unreasonably delaying in furnishing requested information that is relevant and necessary to NALC Branch 869's performance of its functions as the collective-bargaining representative of our employees in the National Association of Letter Carriers, AFL-CIO unit.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce our employees in the exercise of their rights guaranteed in Section 7 of the National Labor Relations Act.

**WE WILL** furnish APWU Local 1070 with the information that it requested on April 7 and 11, 2013; June 6, 2013; September 20, 2013; October 3, 8, 9, and 10, 2013; November 2, 13, and 23, 2013; December 5 and 17, 2013; January 17, 20, 25, and 30, 2014; and February 4, 2014.

**WE WILL** furnish NALC Branch 869 with the information that it requested on September 6, 2013.

**UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlr.gov/case/24-CA-105974](https://www.nlr.gov/case/24-CA-105974) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

